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TC 1700

PTO/SB/21 (05-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/688,077
	Filing Date	October 13, 2000
	First Named Inventor	Hirokazu SUGIHARA
	Art Unit	1744
	Examiner Name	D. Redding
Total Number of Pages in This Submission	8 pgs. + 9 refs.	Attorney Docket Number 369212000131

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form, submitted in duplicate (2 pages)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO-1449, submitted in duplicate (2 pages)
<input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	Nine (9) references
<input type="checkbox"/> Certified Copy of Priority Document(s)		Return postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	MORRISON & FOERSTER LLP E. Thomas Wheelock - 28,825	Customer No. 25226
Signature		
Date	September 19, 2003	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: September 19, 2003	Signature: (Kimberly A. Benjamin)



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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

Application Number	09/688,077
Filing Date	October 13, 2000
First Named Inventor	Hirokazu SUGIHARA
Examiner Name	D. Redding
Art Unit	1744
Attorney Docket No.	369212000131

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

The Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	10	-10** = 0	18	0.00
Independent Claims	1	-1** = 0	84	0.00
Multiple Dependent			280	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	E. Thomas Wheelock	Registration No. (Attorney/Agent)	28,825	Telephone	(650) 813-5739
Signature		Date	September 19, 2003		



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TC 1700

PATENT
Docket No. 369212000131

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450, on September 19, 2003.

Kimberly A. Benjamin
Kimberly A. Benjamin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Hirokazu SUGIHARA et al.

Serial No.: 09/688,077

Filing Date: October 13, 2000

For: CELL POTENTIAL MEASUREMENT
APPARATUS HAVING A PLURALITY
OF MICROELECTRODES

Examiner: D. Redding

Group Art Unit: 1744

114
9/20/03

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

09/24/2003 HBIZUNES 00000146 031952 09688077

01 FC:1806 180.00 DA

The documents listed on the attached Form PTO-1449 were cited in a Communication of a Notice of Opposition and Opposition mailed on August 25, 2003 (copy attached) directed to a counterpart foreign application. Applicants bring to the attention of the Examiner reference nos. D1 and D8 on page 3 of the Notice of Opposition. These references were acknowledged by the Examiner in the Office Action issued December 3, 2001 (Paper No. 4). Additionally, European Publication No. 0 585 933 mentioned in the Opposition Brief was also acknowledged by the Examiner in the same document. Reference nos. D2 to D7 of the Opposition are cited and submitted herewith.

This Supplemental Information Disclosure Statement is submitted:

- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☒ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of ___ is enclosed.
 - ☒ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Certificate of Prompt Filing under 37 C.F.R. § 1.97(e)(1)

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

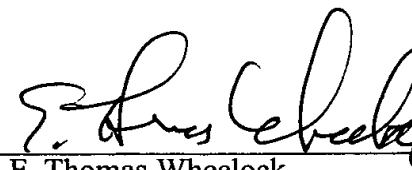
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **369212000131**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 17, 2003

Respectfully submitted,

By: _____



E. Thomas Wheelock
Registration No. 28,825

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5739
Facsimile: (650) 494-0792

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 369212000131	Application Number 09/688,077
	Applicant Hirokazu SUGIHARA et al.	
	Filing Date October 13, 2000	Group Art Unit 1744
Mailing Date: September 19, 2003		Examiner: D. A. Redding

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/10/1990	4,940,432	Consoli et al.			
	2.	06/04/1991	5,020,998	Ikeya et al.			
	3.	04/28/1992	5,108,302	Pfaff			
	4.	09/21/1993	5,247,250	Rios			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	5. /	12/14/1988	EP 0 295 046	Europe			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	6. /	Boppart, S. A. (January 1992). "A Flexible Perforated Microelectrode Array for Extended Neural Recordings," <i>IEEE Transactions on Biomedical Engineering</i> , 39(1):37-42.
	7. /	European Patent Office, (August 25, 2003) Notice of Opposition and Opposition Brief of European Patent Application No. 95108977 filed on June 9, 1995, published on December 27, 1995, as Publication No. 0 689 051, 25 pages.
	8. /	Internet Excerpt of the German Magazine "Computerwoche - Online," of March 22, 1985 with English Machine Translation attached, located and visited on September 19, 2003 at < http://www.computerwoche.de/index.cfm?pageid=267&type=ArtikelDetail&id=69132&cfid=8130993&cftoken=50877422&nr=311&kw=matsushita >, 2 pages.
	9. /	Matsushita's Official Homepage, Site Map, and Titles of News Releases from 2000-2003 located and visited on September 19, 2003 at < http://www.panasonic.co.jp/global/ >, 10 pages.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.